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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Tatiana Kevych,

Plaintiff,

v.

Lesly Kahn Enterprises Inc,

Defendant.

Case No:

**COMPLAINT FOR:
(1) COPYRIGHT
INFRINGEMENT UNDER
17 U.S.C. §501**

JURY TRIAL DEMAND

Plaintiff Tatiana Kevych (“*Plaintiff*”), by and through her undersigned counsel, for her Complaint against defendant Lesly Kahn Enterprises Inc (“*Defendant*”) states and alleges as follows:

INTRODUCTION

1. This action seeks to recover damages for copyright infringement under the Copyright Act, 17 U.S.C §101 *et seq.*

2. Plaintiff created a photograph of American actor and director Justin Baldoni American actress Blake Lively (the “*Photograph*”) in which Plaintiff owns the rights and licenses for various uses including online and print publications.

1 photograph portfolio.

2 13. Plaintiff has obtained active and valid copyright registrations from the
3 United States Copyright Office (the “USCO”) which cover many of Plaintiff’s
4 photographs while many others are the subject of pending copyright applications.

5 14. Plaintiff’s photographs are original, creative works in which Plaintiff
6 owns protectable copyright interests.

7 15. On January 5, 2024, Plaintiff first published the Photograph. A copy of
8 the Photograph is attached hereto as Exhibit 1.

9 16. In creating the Photograph, Plaintiff personally selected the subject
10 matter, timing, lighting, angle, perspective, depth, lens, and camera equipment used
11 to capture the image and made each and every artistic determination necessary for
12 the creation of the work.

13 17. On March 1, 2024, the Photograph was registered by the USCO under
14 Registration No. VA 2-397-292.

15 18. Plaintiff created the Photograph with the intention of it being used
16 commercially and for the purpose of display and/or public distribution.

17 **B. Defendant’s Infringing Activity**

18 19. Defendant is the registered owner of the Accounts and is responsible
19 for their content.

20 20. Defendant is the operator of the Accounts and is responsible for their
21 content.

22 21. The Accounts are key components of Defendant’s popular and lucrative
23 commercial enterprise.

24 22. The Website is monetized in that it promotes the business and its acting
25 coaching services to the public and, on information and belief, Defendant profits
26 from these activities.

27 23. Upon information and belief, Defendant has not implemented adequate
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1 internal policies to verify copyright ownership before content use, indicating a gross
2 negligence in legal compliance, which is essential for a company with Defendant's
3 reach, capabilities, and level of sophistication.

4 24. Upon information and belief, Defendant's internal policies, if any, are
5 either not designed to verify copyright ownership before content use or are
6 systematically ignored, indicating a willful, recurring disregard for copyright
7 compliance.

8 25. Defendant's failure to adopt or effectively enforce internal copyright
9 policies, if any, indicates *de facto* willful infringement.

10 26. On or about April 15, 2024, without permission or authorization from
11 Plaintiff, Defendant volitionally copied and displayed Defendant displayed the
12 Photograph on the Accounts as part of an on-line posts at URLs:
13 [https://www.facebook.com/photo/?fbid=1016601803431195&set=pcb.101660187](https://www.facebook.com/photo/?fbid=1016601803431195&set=pcb.1016601870097855)
14 [0097855](https://www.facebook.com/photo/?fbid=1016601803431195&set=pcb.1016601870097855) (“*Infringement 1*”) and
15 https://www.instagram.com/p/C5yok94pzp8/?img_index=4 (“*Infringement 2*”).
16 Copies of screengrabs depicting the Infringements are attached hereto collectively
17 as Exhibit 2.

18 27. The Infringements are copies of Plaintiff's original image that were
19 directly copied and displayed on the Accounts by Defendant.

20 28. Plaintiff first observed the Infringements on October 29, 2024.

21 29. Upon information and belief, the Photograph was copied and displayed
22 by Defendant without license or permission, thereby infringing on Plaintiff's
23 copyrights in and to the Photograph.

24 30. The Infringements include a URL (“*Uniform Resource Locator*”) for a
25 fixed tangible medium of expression that was sufficiently permanent or stable to
26 permit it to be communicated for a period of more than a transitory duration and
27 therefore constitutes a specific infringement.
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1 31. Upon information and belief, Defendant takes an active and pervasive
2 role in the content posted on its Accounts, including, but not limited to copying,
3 posting, selecting, commenting on, and displaying images including but not limited
4 to Plaintiff's Photograph.

5 32. Upon information and belief, the Photograph was willfully and
6 volitionally posted to the Accounts by Defendant.

7 33. Upon information and belief, Defendant was aware of facts or
8 circumstances from which the determination regarding the Infringements was
9 apparent. Defendant cannot claim that it was not aware of the infringing activities,
10 including the specific Infringements which form the basis of this complaint, since
11 such a claim would amount to only willful blindness to the Infringements on the part
12 of Defendant.

13 34. Upon information and belief, Defendant engaged in the Infringements
14 knowingly and in violation of applicable United States copyright laws.

15 35. Upon information and belief, Defendant had complete control over and
16 actively reviewed and monitored the content posted on the Accounts.

17 36. Upon information and belief, Defendant has the legal right and ability
18 to control and limit the infringing activities on its Accounts and exercised and/or had
19 the right and ability to exercise such right.

20 37. Upon information and belief, Defendant has received a financial benefit
21 directly attributable to the Infringements.

22 38. Upon information and belief, the Infringements increased traffic to the
23 Accounts and, in turn, caused Defendant to realize an increase in its business
24 revenues.

25 39. Upon information and belief, a large number of people have viewed the
26 unlawful copies of the Photograph on the Accounts.

27 40. Upon information and belief, Defendant at all times had the ability to
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1 stop the reproduction and display of Plaintiff's copyrighted material.

2 41. Defendant's use of the Photograph harmed the actual market for the
3 Photograph.

4 42. Defendant's use of the Photograph, if widespread, would harm
5 Plaintiff's potential market for the Photograph.

6 43. On December 17, 2024, Plaintiff, via counsel, served a letter seeking to
7 address the complaints contained herein concerning Defendant's infringement of
8 Plaintiff's rights-protected work.

9 44. Thereafter, on January 16, 2025, Plaintiff, via counsel, served a follow
10 up letter seeking to address said complaints directly with Defendant in attempt to
11 avoid litigation.

12 45. Despite Plaintiff's efforts and willingness to address Defendant's
13 infringing activity, Defendant failed to respond, and Plaintiff was forced to seek
14 judicial intervention for Defendant's infringing activity.

15 46. Further, despite Plaintiff's notification to Defendant concerning its
16 infringing activity, Defendant continues to infringe on Plaintiff's work thereby
17 establishing the willful nature of its conduct.

18 47. As a result of Defendant's misconduct, Plaintiff has been substantially
19 harmed.

20 **FIRST COUNT**

21 ***(Direct Copyright Infringement, 17 U.S.C. §501 et seq.)***

22 48. Plaintiff repeats and incorporates by reference the allegations contained
23 in the preceding paragraphs, as though set forth in full herein.

24 49. The Photograph is an original, creative work in which Plaintiff owns a
25 valid copyright.

26 50. The Photograph is properly registered with the USCO and Plaintiff has
27 complied with all statutory formalities under the Copyright Act and under
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1 regulations published by the USCO.

2 51. Plaintiff has not granted Defendant a license or the right to use the
3 Photograph in any manner, nor has Plaintiff assigned any of its exclusive rights in
4 the copyright to Defendant.

5 52. Without permission or authorization from Plaintiff and in willful
6 violation of Plaintiff's rights under 17 U.S.C. §106, Defendant improperly and
7 illegally copied, reproduced, distributed, adapted, and/or publicly displayed works
8 copyrighted by Plaintiff thereby violating one of Plaintiff's exclusive rights in its
9 copyrights.

10 53. Defendant's reproduction of the Photograph and display of the
11 Photograph constitutes willful copyright infringement.

12 54. Upon information and belief, Defendant willfully infringed upon
13 Plaintiff's copyrighted Photograph in violation of Title 17 of the U.S. Code, in that
14 Defendant used, published, communicated, posted, publicized, and otherwise held
15 out to the public for commercial benefit, Plaintiff's original and unique Photograph
16 without Plaintiff's consent or authority.

17 55. As a result of Defendant's violations of Title 17 of the U.S. Code,
18 Plaintiff is entitled to an award of actual damages and disgorgement of all of
19 Defendant's profits attributable to the infringements as provided by 17 U.S.C. § 504
20 in an amount to be proven or, in the alternative, at Plaintiff's election, an award for
21 statutory damages against Defendant for each infringement pursuant to 17 U.S.C. §
22 504(c).

23 56. As a result of the Defendant's violations of Title 17 of the U.S. Code,
24 the court in its discretion may allow the recovery of full costs as well as reasonable
25 attorney's fees and costs pursuant to 17 U.S.C. § 505 from Defendant.

26 57. As a result of Defendant's violations of Title 17 of the U.S. Code,
27 Plaintiff is entitled to injunctive relief to prevent or restrain infringement of
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1 Plaintiff's copyright pursuant to 17 U.S.C. § 502.

2 **JURY DEMAND**

3 58. Plaintiff hereby demands a trial of this action by jury.

4 **PRAYER FOR RELIEF**

5 **WHEREFORE**, Plaintiff respectfully requests that the Court enters a
6 judgment finding that Defendant has infringed on Plaintiff's rights to the
7 Photograph in violation of 17 U.S.C. §501 *et seq.* and therefore award damages
8 and monetary relief as follows:

- 9 a. finding that Defendant infringed Plaintiff's copyright interest in
10 and to the Photograph by copying and displaying it without a
11 license or consent;
- 12 b. for an award of actual damages and disgorgement of all of
13 Defendant's profits attributable to the infringements as provided
14 by 17 U.S.C. § 504(b) in an amount to be proven or, in the
15 alternative, at Plaintiff's election, an award for statutory damages
16 against Defendant for each infringement pursuant to 17 U.S.C. §
17 504(c), whichever is larger;
- 18 c. for an order pursuant to 17 U.S.C. § 502(a) enjoining Defendant
19 from any infringing use of any of Plaintiff's works;
- 20 d. for costs of litigation and reasonable attorney's fees against
21 Defendant pursuant to 17 U.S.C. § 505;
- 22 e. for pre-judgment interest as permitted by law; and
- 23 f. for any other relief the Court deems just and proper.
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1 DATED: March 27, 2025

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